

**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include changes to FIGS. 1-4, 6-7, and 9-14. The replacement sheets, which include FIGS. 1-4, 6-7, and 9-14, replace the original sheets including FIGS. 1-4, 6-7, and 9-14. Changes incorporated in the replacement sheets are indicated in red on the attached annotated copy of the original sheets.

Attachments: Replacement Sheets

Annotated Copy of Original Sheets

### **REMARKS**

In the specification, paragraph number [0019] has been amended to reference newly added element number '15' in FIGS. 1, 2, and 4 that indicates the metal wires ensheathed in the plastic of the rail. Additionally, the metal wires have been drawn in phantom in FIG. 4. The metal wires have not been drawn in the other figures, as such additions would be duplicative. FIGS. 3-4, 6-7, and 9-14 have been amended to remove the cross-hatching therefrom.

Claims 1-20 were pending in this application. Claims 17-20 were withdrawn in the election. Claims 1-3 and 13 are amended. No new claims are added. Therefore, claims 1-16 remain in this application.

Claim 1 has been amended to further define the face plate. Claim 1 has also been amended to further define the slots as being defined within a planar surface of the face plate. Claim 13 has also been amended to include similar limitations as those in claim 1 and to add a limitation similar to claim 8. Support for these limitations is also found in the drawings. Claims 1-3 have been amended to provide a proper antecedent basis for the slotted connector. Accordingly, no new subject matter is believed to be added to the claims in this amendment.

### **Drawing Objections**

The drawings stand objected to because the cross-hatching is incorrect. Pursuant to 37 C.F.R. §1.84(h) hatching is to be used for sectional views, of which there are none shown in the instant application. As there are only perspective views present, the Applicant has removed the hatchings from the drawings. The Applicant believes that new FIGS. 1, 2, and 4 overcome this particular objection. The drawings also stand objected to for not specifically showing the metal wires referred to in the specification. As indicated in the specification, the metal wires are ensheathed in the plastic portion of the rail. The Applicant believes that new FIGS. 3-4, 6-7, and 9-14 overcome this particular objection. Amendments to FIGS. 1-4, 6-7, and 9-14 are indicated in red in the attached annotated copy of FIGS. 1-4, 6-7, and 9-14. Reconsideration of these objections is respectfully requested.

### **Specification Objections**

The abstract and title have been objected to in light of the previous restriction requirement. Accordingly, the Applicant has amended the abstract and title pursuant to the Examiner's request and suggestion.

### **35 U.S.C. § 112 Rejections**

Claims 1-12 stand rejected under 35 U.S.C. §112, second paragraph, for indefiniteness, as claims 1, 2, and 3 recite the limitation "the end connector" with insufficient antecedent basis for this limitation in the claim. Claim 1-3 have been amended to replace the term "end connector" with the term "slotted connector", such that the "slotted connector" of claims 2 and 3 has a proper antecedent basis from base claim 1. Thus, the Examiner was correct in his assumption that "the end connector" refers to the slotted connector. The Applicant believes that the above amendments to claims 1-3 overcome the Examiner's indefiniteness rejections. Reconsideration of these rejections is respectfully requested.

### **35 U.S.C. § 102 Rejections**

Claims 1-16 stand rejected under 35 U.S.C. §102 as being anticipated by the Safe-Fence web page reference (hereinafter "Safe-Fence"). Safe-Fence clearly discloses a tensioner constructed of a unitary bent steel rod connected to an O-shaped hook. Thus, Safe-Fence does not disclose a face-plate as is required in claims 1 and 13. A plain and ordinary reading of the term "face plate", either alone or in light of the specification and drawings cannot result in the claimed face plate to read upon the steel rod of Safe-Fence.

In any case, the Applicant has amended independent claims 1 and 13 to particularly claim the structural limitations of the face plate. Specifically, the two slots are now defined within a planar surface of the face plate and the "middle portion" is defined as "substantially planar". Thus, even if the Examiner improperly maintains that a face plate is shown in the tensioner of Safe-Fence, the "slots" in the cited reference are not formed *within* the "face plate", as is now claimed in independent claims 1 and 13. Furthermore, the Safe-Fence tensioner has no "substantially planar" middle portion, as is now claimed in claims 1 and 13.

Claim 13 now requires that the rail be constructed such that it is rigid yet manually deformable. This is contrary to the interwoven polymeric webbing polytape that is

disclosed in Safe-Fence. Specifically, the Installation printout of Safe-Fence provided by the Examiner specifically states that one should be careful to “not over-stretch [the] polytape.” This indicates that the tape is not a rigid material, as is now set forth in claim 13. Furthermore, one needs to “hand-tighten [the poly-tape] to eliminate sagging between fence posts.” This indicates that the poly-tape cannot be manually deformed and then retain its stiffness, as is set forth in claim 13.

Accordingly, the prior art of record does not disclose, teach, or suggest the fencing system and connector of amended independent claim 13.

The Applicants would also like to make the Examiner aware of other fundamental functional differences between the prior art and the claimed invention. The fence rail of the present invention would not be effectively utilized in conjunction with the Safe-Fence tensioner as the rail would be distorted (i.e., would not lie flat) and would be twisted. A shortcoming of Safe-Fence relates to the construction of the bent rod tensioner and splicer, whereby excessive force exerted against the polytape would cause the bent rod tensioner and splicer to deform (i.e., bend out of shape). In contrast, the connector of the present invention avoids such deformation. Furthermore, unlike the present invention, non-rigid flexible polymeric or fabric fencing, such as Safe-Fence, stretches and does not retain its shape upon force being exerted thereon (e.g., animal leaning or pushing against the fence). Additionally, such prior art fencing can only resist 10-100 pounds of tension, whereas the present fencing system can resist up to 1000 pounds of tension.

For the foregoing reasons, the Applicant believes that the subject matter of amended independent claims 1 and 13 is neither anticipated nor obviated by Safe-Fence or any other prior art of record. Reconsideration of the rejections of claims 1 and 13 is respectfully requested. Claims 2-12, and 14-16 depend from and add further limitations to amended independent claims 1 and 13 and are believed to be patentable for the reasons discussed hereinabove in connection with amended independent claims 1 and 13. Reconsideration of the rejections of all pending claims is respectfully requested.

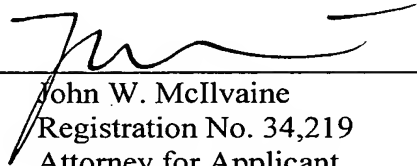
**CONCLUSION**

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 1-16 are respectfully requested.

Respectfully submitted,

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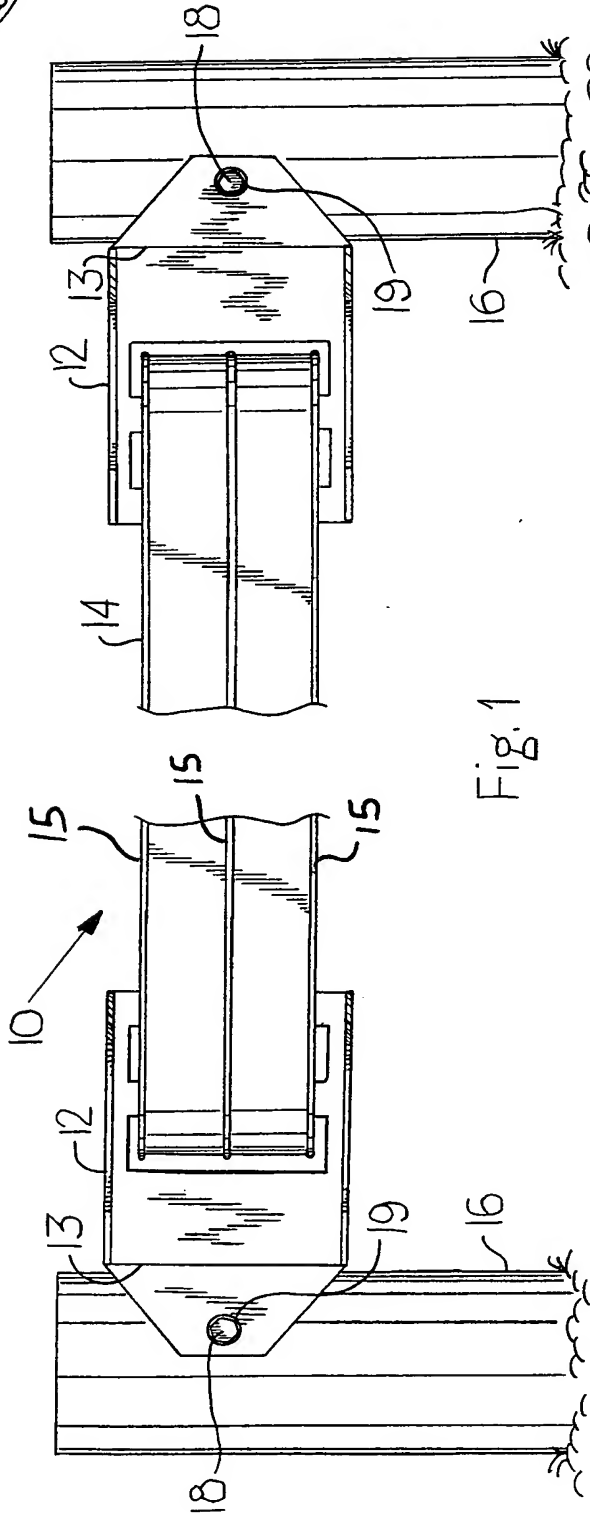


Fig. 1

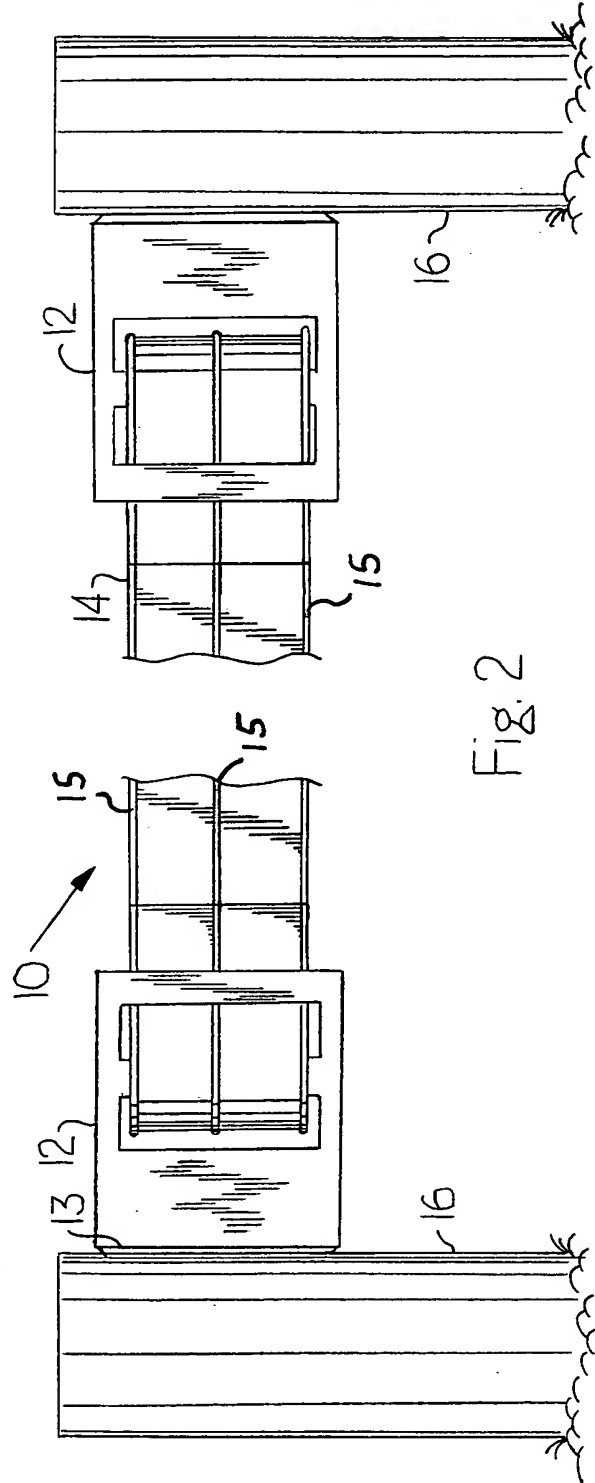
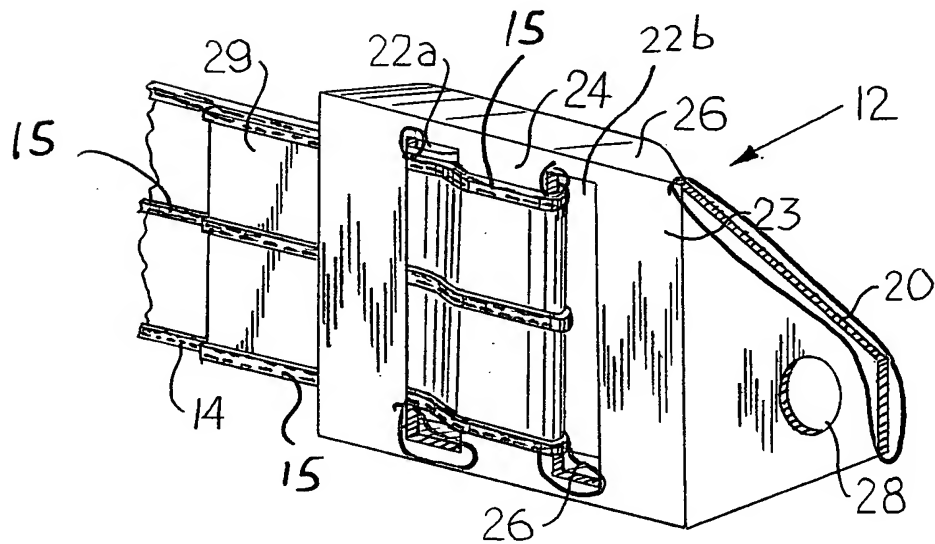
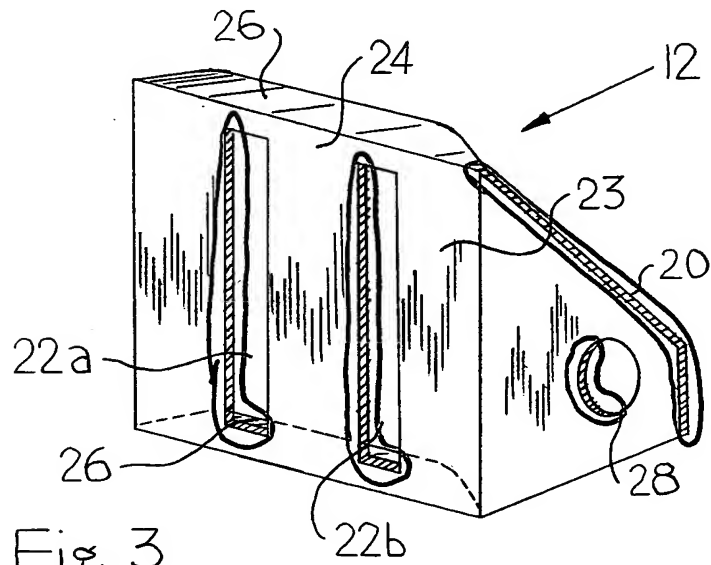


Fig. 2

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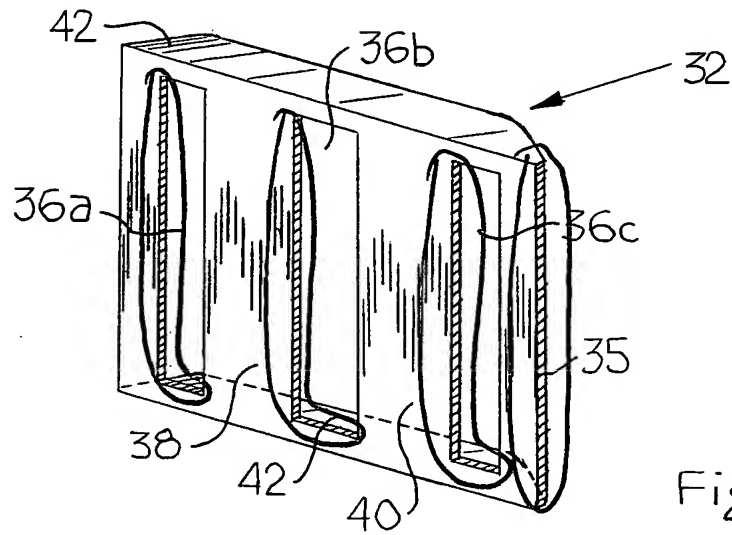


Fig. 6

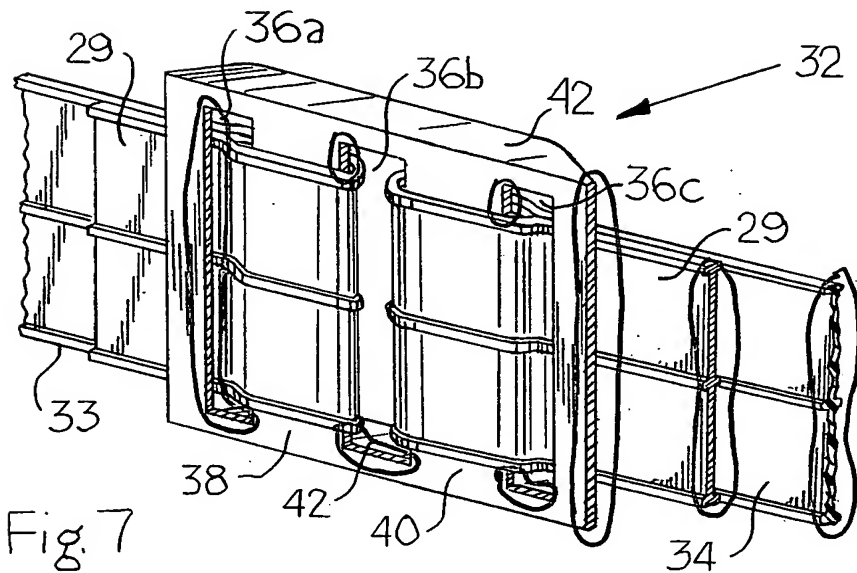


Fig. 7

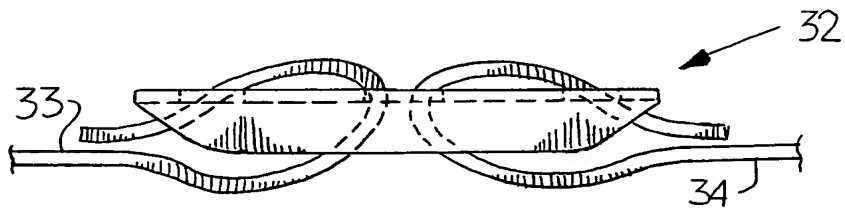


Fig. 8



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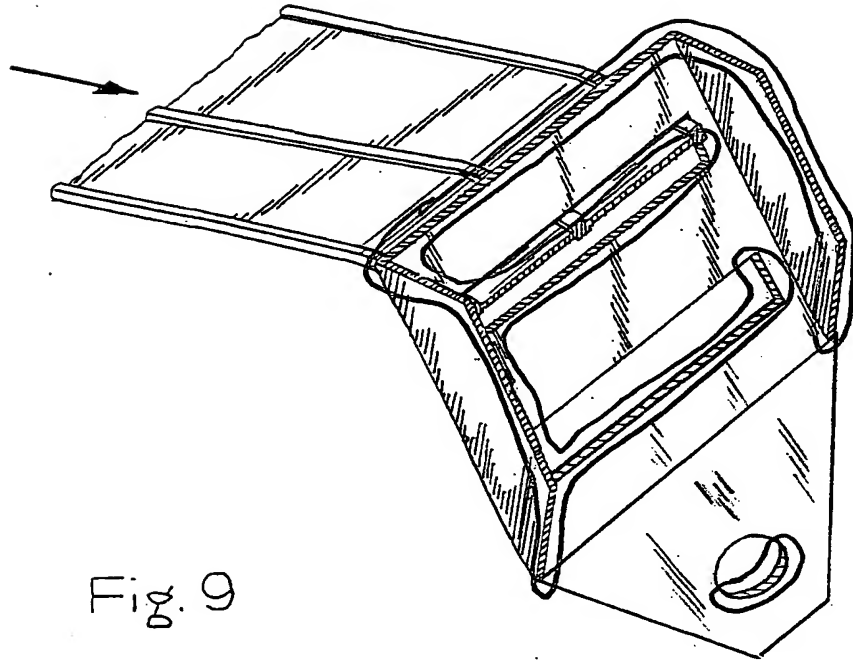


Fig. 9

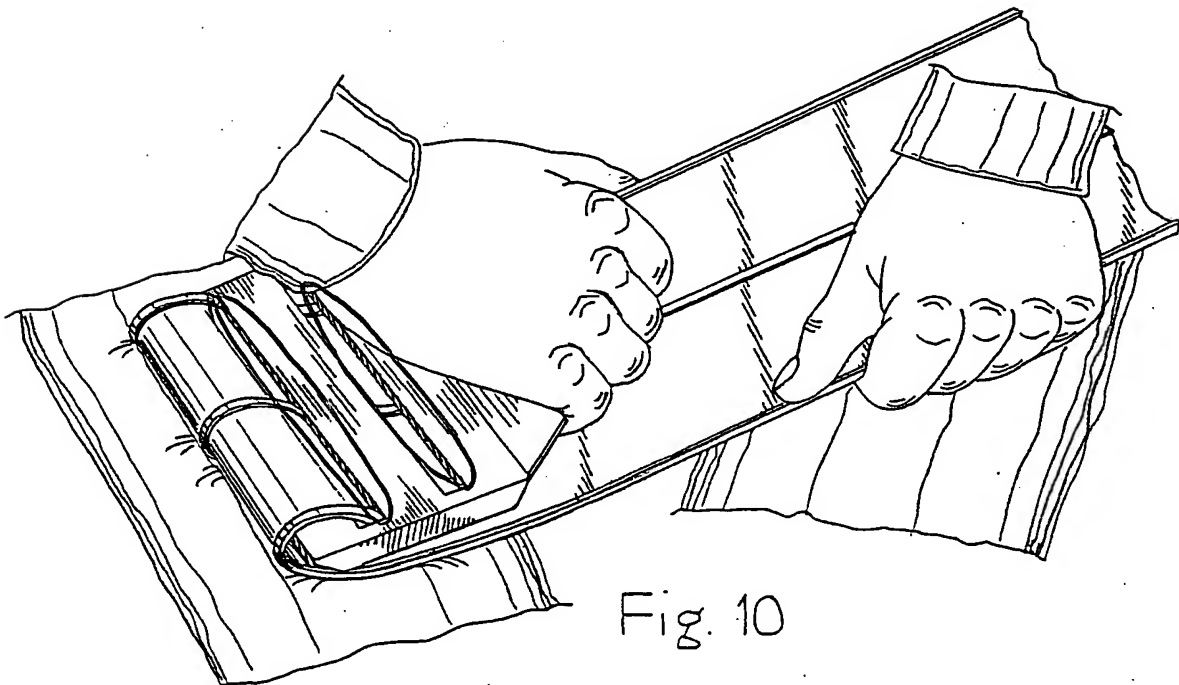


Fig. 10

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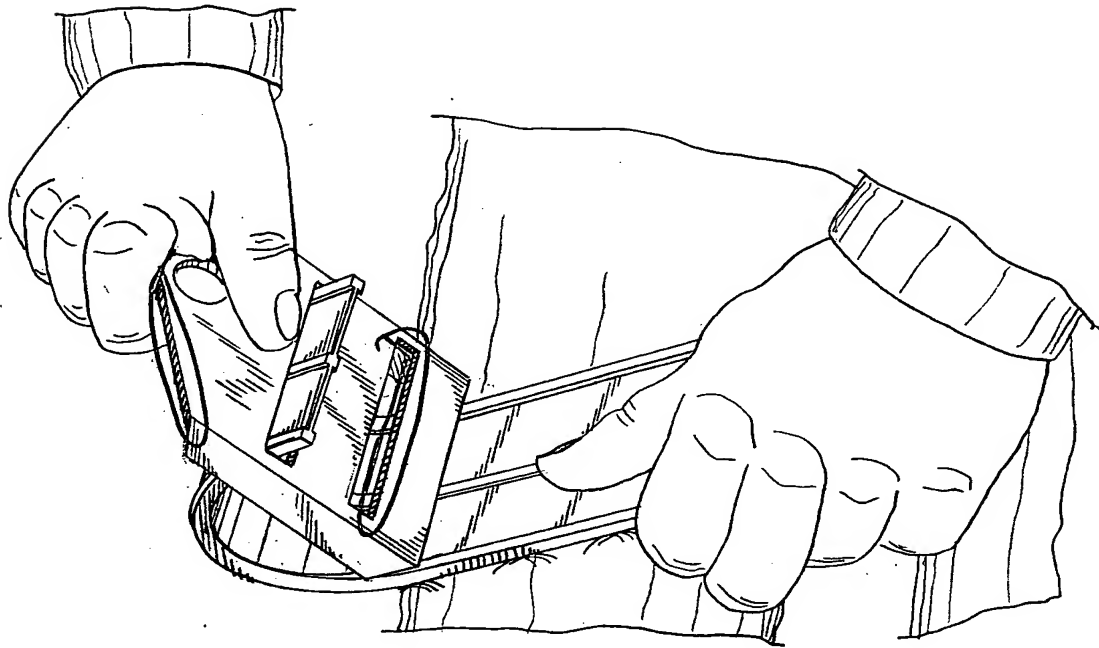


Fig. 11

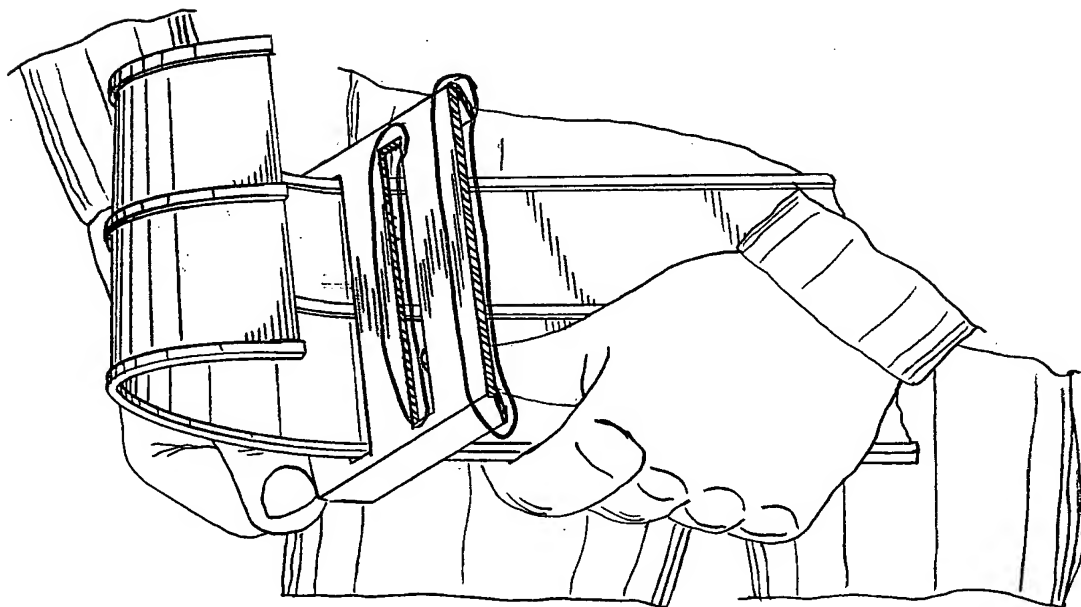


Fig. 12

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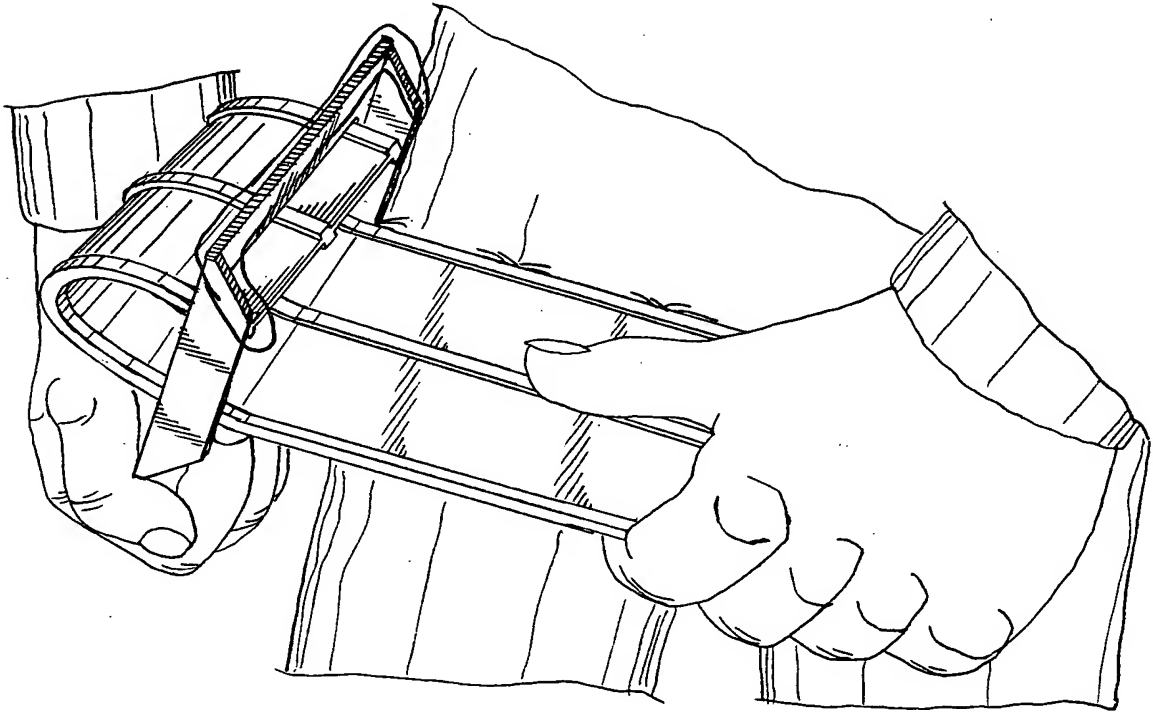


Fig. 13

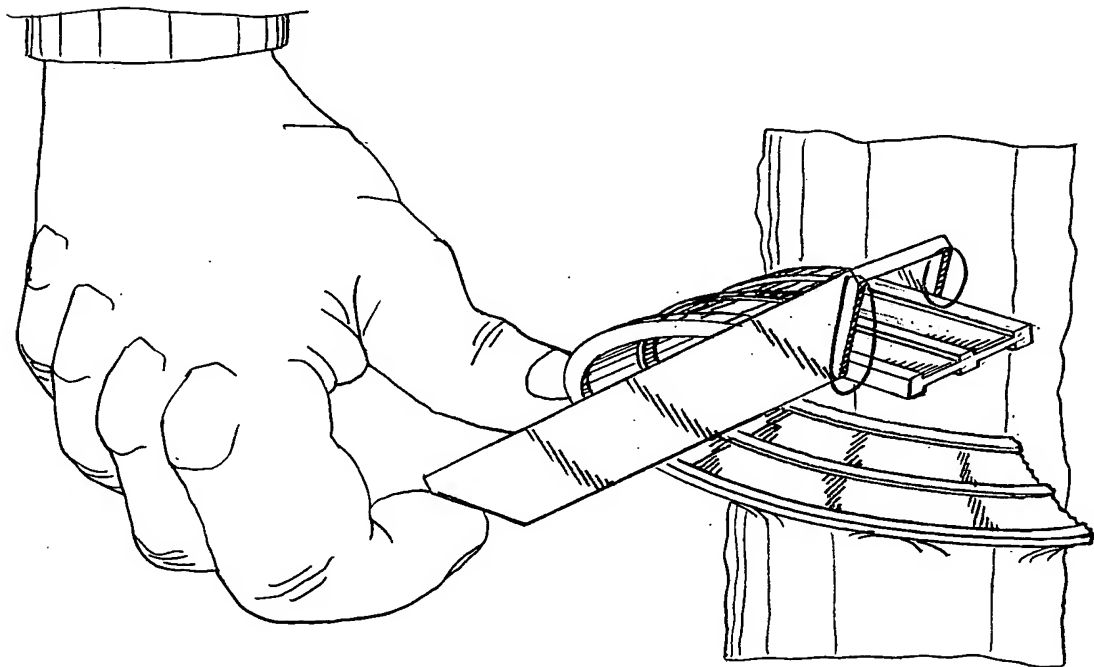


Fig. 14